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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,616	10/30/2003	Paul Grady Russell	10013555-4	7342
7590 03/22/2005			EXAMINER	
HEWLETT-PACKARD COMPANY Intellectual Property Administration P. O. Box 272400 Fort Collins, CO 80527-2400			DURAND, PAUL R	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No. 10/697,616	Applicant(s) RUSSELL, PAUL GRADY	
	Examiner Paul Durand	Art Unit 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 11-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/28/2005 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 11,12,15 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mascolo (US 3,857,192) in view of Perbet et al (US 4,915,231).

In regard to claim 11 and 15, Mascolo discloses the invention substantially as claimed including providing a backing member 14 upon which a product 46-48 is to be packaged, providing and applying adhering material 13 between the backing material and product, placing the product on the backing and partially encasing the product in transparent film 36 and 37 (see Figs. 1-3 and C2,L47 – C3,L30). What Mascolo does

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not disclose is the use of wrapping material to fully encase the product. However, Perbet teaches that it is old and well known in the art of packaging to provide a product 3, backing material 4, coated with synthetic material 6, which is encased by flexible plastic material 7 and 8 for the purpose of manufacturing a tamper resistant product (see Figs.1-3 and C4,L4-29). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the invention of Mascolo with the wrapping means as taught by Perbet for the purpose of manufacturing a tamper resistant product.

In regard to claim 12, Mascolo discloses the invention substantially as claimed including a paperboard backing 10, which is capable of being recycled.

In regard to claims 18-20, the modified invention of Mascolo discloses the invention substantially as claimed including synthetic wrappers. However, the modified invention of Mascolo does not specifically disclose the specific transparency of the material. However, the examiner takes Official Notice that it is old and well known in the art of packaging to provide packaging material film with a transparent, opaque or a combination of both for the purpose of enhancing the look of the product package. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the modified invention of Mascolo with packaging comprised of various levels of transparency for the purpose of enhancing the look of the product package.

4. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mascolo and Perbet as applied to claim 11 and in further view of Krampe et al (US 6,099,682)

The modified invention of Mascolo discloses the invention substantially as claimed as applied to claim 11 above including the use of a pressure sensitive adhesive. What the modified invention does not disclose is the use of a hot melt type of adhesive. However, Krampe teaches that it is old and well known in the art to provide an adhesive surface 16, with a hot melt adhesive for the purpose of creating a contact type adhesive (see Fig. 1,3 and C8,L40-49). Furthermore, the examiner takes Official Notice that it is old and well known in the art of packaging to provide an adhesive that can be a non permanent glue for the purpose of bonding a product and wrapper without causing damage to the product during removal. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the modified invention of Mascolo with the hot melt adhesive means as taught by Krampe for the purpose of creating a contact type adhesive.

5. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mascolo and Perbet as applied to claim 11 and in further view of Saindon et al (US 5,518,559).

The modified invention of Mascolo discloses the invention substantially as claimed as applied to claim 11 above except for the use of registration marks and indicia on the package. However, Saindon teaches that it is old and well known in the art of packaging to provide a film 11 with registration marks 100 and marketing

information indicia 101 for the purpose of correctly packaging and displaying an item (see Fig. 4). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the modified invention of Mascolo with the registration marks and indicia as taught by Saindon for the purpose of correctly packaging and displaying an item.

Response to Arguments

6. Applicant's arguments with respect to claims 11-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Durand whose telephone number is 571-272-4459. The examiner can normally be reached on 0730-1800, Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paul Durand
March 17, 2005

A handwritten signature in black ink, appearing to read 'Rinaldo I. Rada', with a long horizontal flourish extending to the right.

Rinaldo I. Rada
Supervisory Patent Examiner
Group 3721